

REMARKS

This Amendment responds to the Office Action dated August 22, 2011 in which the Examiner rejected claims 1-17, 19, 32-33 and 37 under 35 U.S.C. § 103.

As indicated above, claims 1 has been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 1-9, 32 and 33 were rejected under 35 U.S.C. § 103 as being unpatentable over *Bar-El* (WO99/26415) in view of *Srinivasan, et al.* (U.S. Publication No. 2001/0023436) and *Zigmond, et al.* (U.S. Patent No. 6,698,020).

As indicated above, claim 1 has been amended to be directed to only download or package distribution. Therefore, since the Examiner's rejections are based only upon stream distribution, Applicants respectfully submit that the rejection to the claims no longer applies. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1-9, 32 and 33 under 35 U.S.C. § 103.

Claims 10-16, 19 and 37 were rejected under 35 U.S.C. § 103 as being unpatentable over *Bar-El* in view of *Shintani, et al.* (U.S. Publication No. 2002/0124249) and *Zigmond, et al.*

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

Attached to this Amendment is a Certified Translation of the Priority Document. Applicant respectfully points out that Applicant's priority date of June 12, 2000 is prior to *Shintani, et al.*'s filing date of January 22, 2001. Therefore, *Shintani, et al.* is not a proper

reference. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 10-16, 19 and 37 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: November 7, 2011

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